

1 Minutes of the regular monthly meeting of the Planning Commission of the  
2 County of Henrico held in the County Administration Building in the Government  
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,  
4 July 9, 2009. Display Notice having been published in the Richmond Times-  
5 Dispatch on June 18, 2009 and June 25, 2009.  
6

Members Present: Mrs. Bonnie-Leigh Jones, Chairperson (Tuckahoe)  
Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairman  
(Brookland)  
Mr. E. Ray Jernigan, C.P.C., (Varina)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. James B. Donati (Varina)  
Board of Supervisors Representative  
Mr. R. Joseph Emerson, Jr., Director of Planning,  
Secretary

Members Absent: Mr. Tommy Branin, (Three Chopt)

Also Present: Ms. Jean Moore, Assistant Director  
Mr. James P. Strauss, CLA, Principal Planner  
Ms. Rosemary Deemer, AICP County Planner  
Mr. Benjamin Sehl, County Planner  
Ms. Jamie Sherry, County Planner  
Ms. Lisa Taylor, County Planner  
Mr. Mike Jennings, Traffic Engineer  
Ms. Kim Vann, Police Division  
Ms. Sylvia Ray, Recording Secretary

7  
8 **Mr. James B. Donati, the Board of Supervisors' representative, abstains on**  
9 **all cases unless otherwise noted.**

10  
11 Mrs. Jones - I'd like to call this meeting to order, and ask that you  
12 stand for the **Pledge Allegiance to the Flag**.

13  
14 Thank you. I'd like to welcome everybody to the Planning Commission meeting  
15 for rezoning. I'd like to ask, for the courtesy of others, that you mute or turn off  
16 your cell phones please at this time.

17  
18 We're happy to have you here with us tonight. Our agenda is not as short as it  
19 has been in some meetings past, so it's nice to have some good cases on the  
20 agenda, and we welcome your input for those. We are not going to have Mr.  
21 Branin with us here this evening from the Three Chopt District, but we do have a  
22 quorum. We welcome Mr. Donati, supervisor from the Varina District who is  
23 sitting with the Planning Commission this year representing the Board of  
24 Supervisors.  
25

26 With that, I'd like to turn the meeting over to Mr. Emerson, our secretary.

27

28 Mr. Emerson - Thank you, Madam Chair. The first item on the  
29 agenda tonight are the requests for withdrawals and deferrals. Those will be  
30 presented by Mr. Jim Strauss.

31

32 Mr. Strauss - Thank you, members of the Commission. The first  
33 deferral is on page 3 of the agenda, and is in the Three Chopt District. It is C-8C-  
34 05, Fidelity Properties, Limited, where a residential townhouse development is  
35 proposed. The applicant is requesting deferral to the August 13, 2009 meeting.

36

37 **Deferred from the June 11, 2009 Meeting.**

38 **C-8C-05 G. Edmond Massie, IV for Fidelity Properties, Ltd.:**

39 Request to conditionally rezone from A-1 Agricultural District to RTHC  
40 Residential Townhouse District (Conditional), Parcel 746-764-5580, containing  
41 approximately 4.54 acres, located on the west line of Sadler Road approximately  
42 290 feet south of Wonder Lane. The applicant proposes a residential townhouse  
43 development not to exceed six (6) dwelling units per acre. The RTH District  
44 allows a maximum gross density of 9 units per acre. The proposed use will be  
45 controlled by zoning ordinance regulations and proffered conditions. The Land  
46 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per  
47 acre.

48

49 Mrs. Jones - Is there anyone in the audience opposed to the  
50 deferral of C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd? No  
51 opposition.

52

53 Mr. Jernigan - With that, Madam Chair, I move for deferral of case  
54 C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd., to the August 13,  
55 2009 meeting by request of the applicant.

56

57 Mr. Vanarsdall - Second.

58

59 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
60 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

61

62 At the request of the applicant, the Planning Commission deferred C-8C-05, G.  
63 Edmond Massie, IV for Fidelity Properties, Ltd., to its meeting on August 13,  
64 2009.

65

66 Mr. Strauss - The second request for deferral is also in the Three  
67 Chopt District. It's on page 3 of the agenda. It is C-19C-06, Fidelity Properties,  
68 Limited. A residential townhouse development is proposed. The applicant is  
69 requesting a deferral to the August 13, 2009 meeting.

70

71

72 **Deferred from the June 11, 2009 Meeting.**

73 **C-19C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.:**

74 Request to conditionally rezone from A-1 Agricultural District to RTHC  
75 Residential Townhouse District (Conditional), Parcels 746-763-2482, 746-763-  
76 2896, 746-763-1769, and 746-764-3818, containing 10.79 acres, located on the  
77 east line of Glasgow Road, approximately 600 feet north of Ireland Lane. The  
78 applicant proposes a residential townhouse development not to exceed six (6)  
79 dwelling units per acre. The RTH District allows a maximum gross density of 9  
80 units per acre. The proposed use will be controlled by zoning ordinance  
81 regulations and proffered conditions. The Land Use Plan recommends Suburban  
82 Residential 1, 1.0 to 2.4 units net density per acre.

83  
84 Mrs. Jones - Is there anyone in the audience who is opposed to the  
85 deferral of C-19C-06, G. Edmond Massie, IV for Fidelity Properties, Ltd? No  
86 opposition.

87  
88 Mr. Jernigan - Madam Chair, I move for deferral of case C-19C-06,  
89 G. Edmond Massie, IV for Fidelity Properties, Ltd., to August 13, 2009, by  
90 request of the applicant.

91  
92 Mr. Vanarsdall - Second.

93  
94 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
95 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

96  
97 At the request of the applicant, the Planning Commission deferred C-19C-06, G.  
98 Edmond Massie, IV for Fidelity Properties, Ltd., to its meeting on August 13,  
99 2009.

100  
101 Mrs. Jones - Are there other deferrals from the Commission?

102  
103 Mr. Jernigan - Yes ma'am. On page 3, case C-8C-09, James W.  
104 Theobald for CP Other Realty, LLC.

105  
106 **Deferred from the June 11, 2009 Meeting.**

107 **C-8C-09 James W. Theobald for CP Other Realty, LLC:**

108 Request to conditionally rezone from B-2C Business District (Conditional) to B-  
109 3C Business District (Conditional), part of Parcel 735-763-7898, containing  
110 approximately 1.680 acres, located on the north line of West Broad Street (U. S.  
111 Route 250) approximately 1,650 feet east of N. Gayton Road. The applicant  
112 proposes a car wash. The use will be controlled by zoning ordinance regulations  
113 and proffered conditions. The Land Use Plan recommends Mixed Use. The site  
114 is in the West Broad Street Overlay District.

115  
116 Mrs. Jones - Anyone here opposed to the deferral of C-8C-09,  
117 James W. Theobald for CP Other Realty, LLC? No opposition.



152 Mrs. Jones - Thank you. I did not ask, and should have, if there  
153 was anyone in the audience who is opposed to SUB-10-09, Oakleys Chase.  
154 There is no one in opposition. Are there questions for Mr. Strauss from the  
155 Commission? Let's take a moment and look at the handout.  
156  
157 Mr. Strauss - Madam Chairman, page 2 of 6 shows the relocated  
158 tot lot here, and the area of the walking trail.  
159  
160 Mrs. Jones - Mr. Strauss, so what I'm looking at is—  
161  
162 Mr. Strauss - You should have a reduced size plan that matches  
163 the graphic.  
164  
165 Mr. Vanarsdall - To satisfy Mr. Archer. I am if you are.  
166  
167 Mrs. Jones - Okay. Are there any other questions? Mr. Archer,  
168 would you like to call the applicant?  
169  
170 Mr. Archer - I don't think we need to.  
171  
172 Mrs. Jones - Okay.  
173  
174 Mr. Archer - Do we need it on this handout?  
175  
176 Mr. Strauss - That would be the revised plan, yes.  
177  
178 Mr. Archer - First of all, I'd like to thank Mr. Pambid and the  
179 applicant's representative. They got together after our meeting to work all the  
180 issues that we were trying to resolve in our last meeting. So maybe a little bit  
181 better than it was before. With that, I first will move for [blank section on tape].  
182  
183 Mr. Jernigan - Second.  
184  
185 Mrs. Jones - Motion by Mr. Archer, and a second by Mr. Jernigan.  
186 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
187  
188 Mr. Archer - And I move for approval of SUB-10-09, Oakleys  
189 Chase subject to this revised plan, staff's annotation, and the conditions for  
190 developments of this type, and the additional conditions 13 through 18.  
191  
192 Mr. Jernigan - Second.  
193  
194 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall.  
195 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
196

- 197 13. The limits and elevation of the Special Flood Hazard Area shall be  
198 conspicuously noted on the plat and construction plans and labeled "Limits  
199 of Special Flood Hazard Area." Dedicate the Special Flood Hazard Area  
200 as a "Variable Width Drainage & Utilities Easement."  
201 14. The plan must be redesigned to provide at least the 80-foot minimum lot  
202 width required and as regulated by Chapter 24, of the Henrico County  
203 Code.  
204 15. Prior to requesting the final approval, a draft of the covenants and deed  
205 restrictions for the maintenance of the common area by a homeowners  
206 association shall be submitted to the Department of Planning for review.  
207 Such covenants and restrictions shall be in a form and substance  
208 satisfactory to the County Attorney and shall be recorded prior to  
209 recordation of the subdivision plat.  
210 16. Prior to requesting recordation, the developer must furnish a letter from  
211 Dominion Virginia Power, stating that this proposed development does not  
212 conflict with its facilities.  
213 17. The proffers approved as part of zoning cases C-58C-07 and C-9C-09  
214 shall be incorporated in this approval.  
215 18. A subdivision landscape plan shall be submitted to the Department of  
216 Planning for review and approval prior to recordation of the plat.  
217

218 Mr. Strauss - The next case on the expedited agenda is in the  
219 Varina District, page 2 of the agenda, C-17C-09, Kenneth A. and Yvonne H.  
220 Germain. This is an expansion of the adjacent motorcycle shop. Staff is  
221 recommending approval.  
222

223 **C-17C-09 Randy Hooker for Kenneth A. & Yvonne H.**  
224 **Germain:** Request to conditionally rezone from B-1 Business District to B-3C  
225 Business District (Conditional), part of Parcel 823-723-6612, containing 0.073  
226 acre, located on the southeast line of S. Mapleleaf Avenue approximately 150  
227 feet southwest of E. Nine Mile Road (State Route 33). The applicant proposes  
228 an expansion of an adjacent motorcycle shop. The use will be controlled by  
229 zoning ordinance regulations and proffered conditions. The Land Use Plan  
230 recommends Commercial Arterial. The site is in the Airport Safety Overlay  
231 District and the Enterprise Zone.  
232

233 Mrs. Jones - Is there anyone in the audience tonight in opposition  
234 to case C-17C-09, Randy Hooker for Kenneth A. & Yvonne H. Germain? No  
235 opposition.  
236

237 Mr. Jernigan - To let everybody know, this is a housekeeping  
238 situation. There was a piece of property everybody thought was in a County  
239 alleyway that had been deeded a couple of times. This gentleman presented a  
240 POD, and staff found that the metes and bounds had never been included in the  
241 deed, and it was not a County alley. It took quite a while to clear this case up,  
242 but it's good, it was done.

243  
244 With that, I will move for approval of case C-17C-09, Randy Hooker for Kenneth  
245 A. & Yvonne H. Germain.

246  
247 Mr. Vanarsdall - Second.

248  
249 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
250 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

251  
252 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr.  
253 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to  
254 recommend the Board of Supervisors **grant** the request because the business  
255 use is compatible with surrounding zoning and the proffered conditions should  
256 minimize the potential impacts on surrounding land uses.

257  
258 Mr. Strauss - That concludes the expedited agenda.

259  
260 Mrs. Jones - Thank you, Mr. Strauss. Before we move to the rest  
261 of the agenda, I did neglect to address a member of the media who is with us this  
262 evening. Katherine Calos is here from the Times-Dispatch. We thank you for  
263 coming, and sorry I didn't note your presence earlier at the beginning.

264  
265 Mr. Vanarsdall - You'll have to wear a red dress next time.

266  
267 Mrs. Jones - Wave a flag. All right, thank you.

268  
269 Mr. Emerson - Madam Chair, this takes us into the regular agenda,  
270 leaving four cases to be heard tonight.

271  
272 **C-18C-09** **Gene Davis for Extra Enterprises, LLC:** Request to  
273 amend proffered conditions accepted with Rezoning Case C-23C-06, on Parcel  
274 822-722-0609, located at the southeast intersection of S. Kalmia Avenue and E.  
275 Jerald Street. The applicant proposes to amend Proffer 1 related to the minimum  
276 unit size and Proffer 4 related to architectural design. The existing zoning is  
277 RTHC Residential Townhouse District (Conditional). The Land Use Plan  
278 recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre,  
279 Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental  
280 Protection Area. The site is in the Airport Safety Overlay District.

281  
282 Mrs. Jones - Good evening. Let me ask before Jamie begins, is  
283 there anyone with us tonight in opposition to C-18C-09, Gene Davis for Extra  
284 Enterprises, LLC? There is not. Okay.

285  
286 Ms. Sherry - Thank you, Madam Chair.

287

288 This site was zoned Residential Townhouse District (Conditional) via rezoning  
289 case C-23C-06. The 2010 Land Use Plan recommends Multifamily Residential,  
290 Environmental Protection Area, and Suburban Residential 2.

291  
292 There were 22 proffers accepted with case C-23C-06. Major aspects of the  
293 proffers include unit size; maximum density; architectural elevations; fencing; and  
294 sidewalks along all parking areas.

295  
296 The applicant is requesting to amend Proffer #1 in order to reduce the minimum  
297 finished floor area from 1,400 square feet to 1,280 square feet. The minimum  
298 width of the units would remain at 20 feet as stated in the original proffer.

299  
300 The applicant is also requesting to amend Proffer #4, which pertains to  
301 architectural design. This request to change the elevations is in response to the  
302 applicant selling the property to a new builder. The submitted elevations are  
303 consistent with a product the builder currently provides. The proposed  
304 amendment to Proffer #4 continues to commit to not having units with the same  
305 architectural design next to one another.

306  
307 Proffer #5 of the original case identifies exterior building materials. Staff  
308 encourages the applicant to provide new elevations that closely resemble the  
309 structures proposed for this development with front, side and rear elevations that  
310 provide more detail.

311  
312 To ensure the same level of quality that was proffered with the original elevations  
313 it is recommended the applicant detail architectural features such as paneled  
314 front doors, rear decks, and brick foundations, stoops, and front steps in the  
315 proffers.

316  
317 To be in keeping with recent townhouse-style developments approved in the  
318 County, and to help ensure the proposed changes do not reduce the quality of  
319 development intended with the original case, the applicant is encouraged to  
320 consider submitting additional proffer language that includes a commitment to  
321 foundation plantings; sod and irrigation; vinyl quality; and BMP treatment.

322  
323 Although amending these requirements raises concerns, it should not  
324 significantly reduce the quality of development if the issues identified in the staff  
325 report are addressed and all other proffers remain unaltered.

326  
327 The applicant submitted amended proffers dated today; which you have just  
328 received. Based on the County Attorney's recommended preamble, a preamble  
329 was added to the amendments, and an exhibit number and a date was added to  
330 each of the architectural drawings. Staff notes time limits would need to be  
331 waived to accept the amended proffers this evening.

332

333 This concludes my presentation I would be happy to answer any questions.  
334 Thank you.

335  
336 Mr. Jernigan - I do have a question. When you're speaking of the  
337 other thing, brick foundation and all, wasn't that in the original case?  
338

339 Ms. Sherry - It was not proffered in the actual proffer language; it  
340 was identified on the elevations, which are now being switched out. It's not  
341 identified on the new, but it was not identified in the actual proffer language.  
342 Proffer #5 talked about other materials' percentages.  
343

344 Mr. Jernigan - When I spoke to Mr. Davis, we gave up some square  
345 footage, and they changed the style of the townhouse to match the new ones  
346 that Ryan was building on Laburnum Avenue, which is an upgrade from what we  
347 originally had. Now, in those elevations, don't they have brick foundations?  
348

349 Ms. Sherry - It's not labeled on there, on the elevations  
350 themselves, the elevations that are on the screen right now. They don't actually  
351 label the identifications if it's not in the actual proffers as well.  
352

353 Mr. Vanarsdall - What is that, HardiPlank?  
354

355 Ms. Sherry - I'm not certain, sir.  
356

357 Mrs. Jones - Ms. Sherry, when you say 50% brick, is that 50%  
358 aggregate, or is that every other will be 50, or the side will be 50%. How is that  
359 done?  
360

361 Ms. Sherry - Did I say 50% brick?  
362

363 Mrs. Jones - It's on the drawings.  
364

365 Ms. Sherry - Oh, on the drawings.  
366

367 Mr. Emerson - It is on the drawings.  
368

369 Ms. Sherry - Oh, I'm sorry. That is consistent with the proffer that  
370 is in the original case. I'm not sure; I think Mr. Davis might be able to answer that  
371 question.  
372

373 Mrs. Jones - As to how that's configured, you mean?  
374

375 Ms. Sherry - Correct.  
376

377 Mrs. Jones - Okay, thank you.  
378

379 Mr. Jernigan - I know the townhouses are being built that he's turned  
380 the proffers in for for this case are brick. They have brick on them.  
381  
382 Mrs. Jones - All?  
383  
384 Mr. Jernigan - No, no.  
385  
386 Mrs. Jones - Are they like the Kings Ridge Townhomes?  
387  
388 Mr. Jernigan - Yes. On Laburnum Avenue—  
389  
390 Mrs. Jones - Yes.  
391  
392 Mr. Jernigan - —across from the apartments, yes. The new ones  
393 that Ryan is building. The proffers are to be changed to where those elevations  
394 will replace the elevations that they had in the previous case. Am I correct on  
395 that?  
396  
397 Mr. Vanarsdall - You say they already had brick on them?  
398  
399 Mr. Jernigan - Yes, Kings Ridge.  
400  
401 Mr. Emerson - Once constructed, but not necessarily the ones in the  
402 elevations. The elevations are committing to the 50% of the total façade, as per  
403 Proffer #5 of the original case. But I believe your question was—and maybe I  
404 misunderstood—whether or not there would be brick foundations or faux  
405 foundations made of brick. There's nothing that necessarily guarantees that.  
406  
407 Mr. Jernigan - Mr. Davis, could you come up to the podium, please?  
408  
409 Mrs. Jones - Thank you, Ms. Sherry.  
410  
411 Mr. Jernigan - Are we going to have brick foundations?  
412  
413 Mr. Davis - Yes sir.  
414  
415 Mr. Jernigan - There we go.  
416  
417 Mrs. Jones - Excuse me, would you—Sir? Would you please just  
418 identify yourself? We're taping—  
419  
420 Mr. Davis - I'm Gene Davis. I'm sorry, Madam Chairman. Yes,  
421 we will have brick foundations. I think if you look at the architectural drawings  
422 showing the footing detail on the whole set of plans, it may not be on this one  
423 that Jamie put out, but it does show brick. All the reveals will be brick in the  
424 foundation.

425  
426 Mr. Jernigan - Okay. So, you're changing Proffer #1 and Proffer #4.  
427 Proffer #5 says that a minimum of 50% of the total façade for the entire project  
428 shall be brick or stone.  
429  
430 Mr. Davis - Yes, absolutely. We're not changing any other proffer  
431 than those two.  
432  
433 Mr. Jernigan - Okay. You all right with that? Thank you, Mr. Davis.  
434  
435 Mr. Davis - Thank you.  
436  
437 Mrs. Jones - Mr. Davis?  
438  
439 Mr. Davis - Yes ma'am?  
440  
441 Mrs. Jones - Just because I want to make sure I understand. In  
442 each run of three, four, five units or whatever, do you intend to have—  
443  
444 Mr. Davis - Every other.  
445  
446 Mrs. Jones - Every other brick?  
447  
448 Mr. Davis - Yes ma'am.  
449  
450 Mrs. Jones - I see.  
451  
452 Mr. Davis - Yes ma'am.  
453  
454 Mrs. Jones - Okay, that answers that.  
455  
456 Mr. Davis - And if it's a five, it would be three brick.  
457  
458 Mrs. Jones - Mmm-hmm.  
459  
460 Mr. Davis - Just like we have off Laburnum Avenue.  
461  
462 Mrs. Jones - Off of Laburnum. Okay.  
463  
464 Mr. Jernigan - Okay. Anybody else have questions?  
465  
466 Mrs. Jones - The irrigation and sodding, have you discussed any of  
467 that?  
468  
469 Mr. Jernigan - No, because I don't believe that was in on the original.  
470

471 Mr. Emerson - That was not in the original case.  
472  
473 Mrs. Jones - Times moving on as they do, I wondered whether it  
474 would be appropriate to talk about that now.  
475  
476 Mr. Jernigan - Mrs. Jones, to be truthful with you, I guess I will say I  
477 am happy with it the way it is and just leave it at that.  
478  
479 Mrs. Jones - I love to get as fine a project as we can.  
480  
481 Mr. Jernigan - I realize that.  
482  
483 Mrs. Jones - I'm happy you're happy.  
484  
485 Mr. Jernigan - Okay, thank you.  
486  
487 Mrs. Jones - You're welcome.  
488  
489 Mr. Jernigan - All right, Madam Chair, with that, I will move for  
490 approval of C-18C-09, Gene Davis for Extra Enterprises, LLC—Excuse me. First  
491 of all, I have to waive the time limits on the proffers entered today.  
492  
493 Mr. Vanarsdall - Second.  
494  
495 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall  
496 regarding the proffers. All in favor say aye. All opposed say no. The ayes have it;  
497 the motion passes.  
498  
499 Mr. Jernigan - With that, I will move case C-18C-09, Gene Davis for  
500 Extra Enterprises, LLC, be sent to the Board of Supervisors for their approval.  
501  
502 Mr. Vanarsdall - Second.  
503  
504 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
505 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
506  
507 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr.  
508 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to  
509 recommend the Board of Supervisors grant the request because the reduction in  
510 minimum house size and required finished space would not greatly influence the  
511 quality or value of residential development in the area and it was determined  
512 reasonable.  
513  
514 **P-9-09 Mitch Mitchell for Burgerbusters, Inc.:** Request for  
515 a Provisional Use Permit required under proffered condition #28 accepted with C-  
516 29C-06 to allow extended hours operation of a restaurant (Steak 'n Shake) on

517 part of Parcel 815-718-5710, an out parcel within the Shops at White Oak  
518 Village, located approximately 400 feet east of S. Laburnum Avenue at its  
519 intersection with Gay Avenue. The applicant proposes opening daily at 5:00 a.m.  
520 instead of 6:00 a.m. and closing daily at 1:00 a.m. instead of 12:00 a.m. The  
521 existing zoning is B-3C Business District (Conditional). The Land Use Plan  
522 recommends Planned Industrial. The site is in the Airport Safety Overlay District  
523 and the Enterprise Zone.

524

525 Mrs. Jones - Before Ms. Taylor begins, is there anyone with us  
526 who is in opposition to cast P-9-09, Mitch Mitchell for Burgerbusters, Inc.? No  
527 opposition. Good evening.

528

529 Mr. Vanarsdall - Good evening, Ms. Taylor.

530

531 Ms. Taylor - Hello. Thank you, Madam Chair.

532

533 This request would allow for the extension of hours of operation of Steak 'n  
534 Shake, a proposed restaurant at the Shops at White Oak Village. The applicant  
535 proposes to open daily at 5:00 a.m. instead of 6:00 a.m., and close at 1:00 a.m.  
536 instead of 12:00 a.m.

537

538 The site is zoned B-3C and designated Planned Industry on the 2010 Land Use  
539 Plan. The subject property is also located within the County's Enterprise Zone.

540

541 The Shops at White Oak Village was approved in 2006 via rezoning case C-29C-  
542 06. The grand opening was in October 2008. Although the hours requested are  
543 permitted in a B-3 Zoning District, Proffer #28 accepted with the case prohibits  
544 businesses from being open to the public between the hours of 12 a.m. and 6  
545 a.m. unless otherwise approved by a Provisional Use Permit.

546

547 Staff believes extending the hours of operation to 5:00 a.m. would be a  
548 reasonable extension of the surrounding commercial activity.

549

550 However, staff does have concerns regarding the request to extend hours of  
551 operation to 1:00 a.m. Although the restaurant would not serve alcohol, staff  
552 believes the increase in late night activity could have a negative impact on the  
553 surrounding community.

554

555 The Division of Police has also raised concerns regarding this request due to the  
556 likely impact on loitering; other nuisances; and an increase in calls for service in  
557 the area.

558

559 In addition, staff has concerns that the approval of later hours would set an  
560 undesirable precedent for other businesses at the Shops at White Oak Village.

561

562 Given the combination of these factors, staff does not support extended hours of  
563 operation until 1:00 a.m., but can support extended hours of operation to 5:00  
564 a.m. with the revised conditions handed out this evening.

565  
566 This concludes my presentation. I will be happy to answer any questions.

567  
568 Mrs. Jones - Thank you. Are there questions for Ms. Taylor?

569  
570 Mr. Jernigan - Ms. Taylor, I don't have any questions for you, and  
571 you did a good job on the report. I do have a request.

572  
573 Ms. Taylor - Yes sir.

574  
575 Mr. Jernigan - I spoke briefly to Jean about this today, and whoever  
576 you all want to get to do it. I would like to see a report of B-3C along the other  
577 parts of the County, mainly the West End, of the hours of operation for different  
578 restaurants such as Friday's. I know in B-3 that all of them are using 2:00 in the  
579 morning because they can, but I would be interested to see in the B-3C where it  
580 is conditional how many of these restaurants are open until 2 that have alcohol.

581  
582 Ms. Taylor - Okay.

583  
584 Mr. Jernigan - That's something that you take your time on; it's not  
585 something I have to have tomorrow. We're having some situations where we  
586 have more restaurants coming. I just want to have a little gauge to go by.

587  
588 Mr. Vanarsdall - Are you talking about for the entire planning—

589  
590 Mr. Jernigan - Well, mainly the West—I mean, well, yes, let's say the  
591 entire County in B-3C. Like I said I know B-2 is used to the max.

592  
593 Mrs. Jones - Are you looking for this in relation to calls for service,  
594 or just as a listing?

595  
596 Mr. Jernigan - As a listing of those people that are open until 2 that  
597 serve alcohol.

598  
599 Mrs. Jones - If you have that list, would it not be smart to correlate  
600 it to some standard by which we can see if there is any kind detrimental effect  
601 with the late hours and the potential for [blank section on tape]. Just wondering if  
602 that would be an added dimension to it that we should pay attention to.

603  
604 Mr. Jernigan - I guess Ms. Vann could get us that information from  
605 police about the calls.

606

607 Mrs. Jones - Because your concern is based, probably, on the  
608 judgment call we need to make about where restaurants can be open to what  
609 hours and under what conditions. That's all part of it [blank section on tape] or  
610 not.  
611  
612 Mr. Jernigan - I feel that probably on West Broad most of these  
613 places are open a little later, but I can't state it because I haven't seen the  
614 statistics. I'd like to see a count of how it goes.  
615  
616 Mr. Emerson - We can do that.  
617  
618 Mr. Donati - It would be interesting to know if any of these permits  
619 have ever been revoked.  
620  
621 Mr. Jernigan - One.  
622  
623 Mr. Emerson - There's one, I believe.  
624  
625 Mr. Jernigan - I don't know when it was, but I checked on that  
626 already. There's only been one provisional use permit ever revoked in this  
627 County.  
628  
629 Mr. Emerson - That's my understanding, but we can check on that,  
630 too.  
631  
632 Mr. Vanarsdall - It's not as easy to revoke as you think it would be.  
633  
634 Mrs. Jones - Are there other questions?  
635  
636 Mr. Jernigan - I don't have any questions for Ms. Taylor, but I do  
637 need to talk to Mr. Emerson.  
638  
639 Mrs. Jones - Ms. Taylor, would you entertain us for a moment?  
640  
641 Ms. Taylor - Yes, this is—the plat. Here's the floor plan.  
642  
643 Mrs. Jones - Just out of curiosity, are there other Steak 'n Shakes  
644 in our area? This will be the first?  
645  
646 Ms. Taylor - In Virginia.  
647  
648 Mrs. Jones - In Virginia. Well, I do have a question or two, but we'll  
649 wait and see.  
650  
651 [Long pause.]  
652

653 Mr. Jernigan - Ms. Vann, could you come to the podium, please?  
654  
655 Ms. Vann - Good evening. Kim Vann with Henrico Police.  
656  
657 Mr. Vanarsdall - Hello, Kim.  
658  
659 Mr. Jernigan - Do you think that you could get me some statistics for  
660 problems that we have with alcohol in the hours related?  
661  
662 Ms. Vann - I can put the request in; I actually don't do that. The  
663 Records Unit within the Division of Police produces all information for public  
664 information. Probably we would need a little guidance to know what you're  
665 looking for, but I can certainly work with yourself and the Planning staff to figure  
666 out what we are looking at, whether it's the usual list that they're coming up for all  
667 B-3, and then planning what the calls for service are based on those businesses  
668 that are open past a certain time, or any other direction you want. We certainly  
669 can work with you on that.  
670  
671 Mr. Jernigan - Do you know if maybe we've had an excessive  
672 amount of calls in the Varina District?  
673  
674 Ms. Vann - I wouldn't be able to tell you Varina District. I typically  
675 don't do crime analysis.  
676  
677 Mr. Jernigan - Okay.  
678  
679 Ms. Vann - That's for another part of the unit. For example, for  
680 this case, we would get the information and try to present it in a way that is  
681 useable for the staff report and the file. That would be the only information I have  
682 at this point. It would be White Oak Village, and we did do a comparison across  
683 the street actually catty-corner to the Laburnum Square Shopping Center. So we  
684 have some of that information. But for Varina overall, no sir.  
685  
686 Mr. Jernigan - I guess the reason I'm requesting this information is  
687 because, naturally, our end of the town is the part of town that's growing right  
688 now. We have a bunch of new restaurants in the White Oak Shopping Center.  
689 And through time, we're going to have more people coming. I guess for the rest  
690 of the Commission—and I'll tell you where I'm going—I kind of want to be fair  
691 with everybody because right now White Oak has a 12:00 proffer. These people  
692 have to come for an amendment. Well, we have Steak 'n Shake tonight, which is  
693 Burgerbusters. Next month we have T.G.I. Fridays coming in for a request. We  
694 have Olive Garden coming; they're going to start construction. Probably through  
695 time, we will have some more restaurants, so I want to kind of gauge and see  
696 what's going on with the rest of the County. To be fair, if mostly everybody in the  
697 West End is open until 2, it looks a little discriminatory to be shutting us down at

698 midnight in the East End. Personally, I don't want to hear those complaints.  
699 That's the reason I'm requesting this information.

700

701 Ms. Vann - Yes, we certainly can get the information for you.

702

703 Mr. Jernigan - Okay. I would appreciate that.

704

705 Mr. Vanarsdall - The list would probably be shorter of those that don't  
706 have it than those that do.

707

708 Mr. Donati - Mr. Jernigan, you already have two restaurants on  
709 Williamsburg Road that are open 24 hours. Waffle House.

710

711 Mr. Jernigan - Yes.

712

713 Mr. Vanarsdall - They don't sell beer, do they?

714

715 Mr. Donati - No.

716

717 Mr. Jernigan - I guess another think I was telling Mr. Vanarsdall  
718 earlier, if we shut up early in the East End, I don't want people driving to the West  
719 End getting drunk, and then have to drive all the way back to the East End to get  
720 home. It's more chance of getting somebody in an accident.

721

722 Mr. Vanarsdall - That's what they've been doing for years. That's why  
723 we have so many drunks from the East End.

724

725 Mrs. Jones - So this is basically a public service.

726

727 Mr. Jernigan - I guess I'm trying to help the police calls. Thank you,  
728 Ms. Vann, that's all I need. I appreciate your help.

729

730 Mrs. Jones - Thank you. I just have a quick question for the  
731 applicant.

732

733 Mr. Jernigan - Mr. Axselle is coming down to see us now.

734

735 Mr. Axselle - If I make a couple comments. This applicant has only  
736 requested to go to 1:00. We suggested to the staff, and they have included it in  
737 their suggested condition, that we not serve alcohol. If I could kind of go through  
738 the thing. I think Mr. Jernigan's discussions and requests are reasonable, but just  
739 not relevant to this case.

740

741 Mr. Jernigan - You're right, Mr. Axselle, they're not.

742

743 Mr. Axelle - I do want to introduce to you Lee Garvin, who is here  
744 with the applicant. Lee, if you could raise your hand. And Mitch Mitchell you  
745 know is with Timmons, which, as you know, represent Forrest City Enterprises.  
746 They're very supportive of this request. In fact, Jim Ridge, as many of you know  
747 from the Planning POD, says they have the best steak burgers and best shakes  
748 in America. I don't know if he thought I was reporting on that, but it's very  
749 supportive of it.

750  
751 Steak 'n Shake has been in business 75 years. They basically go from  
752 Wisconsin, Michigan, Pennsylvania and the north, over to Texas, and Alabama,  
753 Florida to the south; go to Oklahoma and Kansas. There are two states in the  
754 eastern and southeastern part that do not have a Steak 'n Shake, and they are  
755 Louisianan and Virginia. Mr. Garvin and his company have been awarded the  
756 franchise for Virginia, so this will be the first Steak 'n Shake in Virginia. It is, quite  
757 frankly, it is very exciting. It is a family restaurant. It is not a fast-food restaurant.  
758 You go in and you order at the table, a waitress or waiter comes to take your  
759 order, they go back to the restaurant. It's cooked and prepared as you requested,  
760 and served to you there. Now, this does have a drive-thru, but the entire  
761 operation is what they call a full-service restaurant and not a fast-food restaurant.  
762 They have wonderful types of meals of classic melts, various sandwiches, chili, a  
763 full breakfast.

764  
765 About 99% of the Steak 'n Shakes around the country operate 24 hours. They  
766 recognize, however, that we're in Henrico County and would prefer to have some  
767 less type of activity. They came and basically suggested that staff place on them  
768 the same conditions that the County placed on 7-Eleven. Now, keep in mind, 7-  
769 Eleven in the Shops at White Oak Village is open 24 hours. The police and the  
770 staff put together some very serious conditions. Mr. Garvin and his folks said  
771 they would live with those. If you read them they are very tough, and this is for a  
772 restaurant that does not serve alcohol at all. I also hope you would keep in mind  
773 that at White Oak Village, the lighting is brighter than your normal shopping  
774 center, and it has 63 stationary cameras, 63 cameras. They have PTZ cameras,  
775 the ones that zoom in and out, and scan around and so forth. It has 24-hour on-  
776 site security. There's no place in the County, I believe, that has that level of  
777 security, with the possible exception of the Short Pump Town Center. This is just  
778 the method by which Forest City operates.

779  
780 Why 1:00? This site is actually closer to the interstate than the 7-Eleven. It  
781 makes sense that you have a 7-Eleven that can, in fact, accommodate the  
782 traveling public so that they can consume for their automobiles, gasoline. We  
783 want them to have the ability to consume in their person some good meals as a  
784 convenience to them. Also, Forest city has received some inquiries from people  
785 that come into the airport in such flights around 12, 12:00, and we want to have a  
786 decent place for people to come and eat there on the way.  
787

788 We are supportive of all of the staff conditions. We can live with the 1:00. We  
789 volunteered there would be no alcohol, so that addresses some of the normal  
790 concern. We agree with everything that staff has suggested, or they've  
791 highlighted for us some changes they've made, and they're reasonable. The two  
792 exceptions are that the 12:00 a.m. we would ask to be 1:00 a.m. And then we  
793 just were talking. Burgerbusters, Mr. Garvin and his company have all the Taco  
794 Bell franchises in the Richmond area, so that was the name they were using. But  
795 this, in fact, will be Steaks of Virginia, LLC.

796

797 So I hope that you will approve the staff's suggestion if you go forward. I can't  
798 say it's their recommendation, but if you go forward, these are the conditions. I  
799 would suggest that you make two modifications, the 12:00 a.m. to 1:00 a.m., and  
800 the Burgerbusters reference would be Steaks of Virginia, LLC. That basically is  
801 premise that this is a non-alcohol use, it's a restaurant, it's a full-service, sit-down  
802 restaurant. It's not a fast-food. I'd be glad to answer any questions you have.

803

804 Mr. Vanarsdall - I don't think we ever had one that wanted extended  
805 hours that couldn't serve alcohol.

806

807 Mr. Axselle - I don't know. I would not think so, but I don't know  
808 that. Something was just approved recently down on Williamsburg Road for the  
809 earlier opening, I should say. But I think it's commendable when advised of  
810 some of the concerns the Henrico County had said, "We'll be glad to go to 1:00  
811 not 2, and we'll be glad to say no alcohol."

812

813 Mrs. Jones - Mr. Axselle, I was a little surprised to see the 5 a.m.  
814 request. Having very little experience with Steak 'n Shake, I didn't realize that  
815 breakfast was a big portion of their operation. I'm assuming that's the reason why  
816 the 5:00 request?

817

818 Mr. Axselle - Yes. They have a full breakfast menu all hours of their  
819 operation, including the 5:00. I think recently a provisional use permit was  
820 approved for a restaurant, a Bojangles—

821

822 Mrs. Jones - Five thirty.

823

824 Mr. Axselle - On Williamsburg. There are people who are—

825

826 Mr. Emerson - It's on Nine Mile Road.

827

828 Mr. Axselle - Nine Mile Road.

829

830 Mr. Axselle - Nine Mile Road. But there are people who are out  
831 traveling, people who are going to work. I'm not one of them, but there are a lot  
832 of people who, you know, will leave home and want to get something to eat on  
833 the way to work.

834  
835 Mrs. Jones - When you're opening at 5, I guess you have  
836 employees reporting for work at 4?  
837  
838 Mr. Axselle - I would think it would be 4:30—4 or 4:30, yes.  
839  
840 Mrs. Jones - Okay. And the drive-thru, did I understand you that  
841 there would be a drive-thru as part of this operation as well?  
842  
843 Mr. Axselle - Yes.  
844  
845 Mrs. Jones - Does the drive-thru mirror these hours?  
846  
847 Mr. Axselle - It would. But do keep in mind that for the food that is  
848 ordered at the drive-thru is not pre-prepared food. In other words, if you wanted  
849 to get a hamburger, you want to get French fries, you want to get burgers, you  
850 want to get a sandwich, just like if you went to any full-service restaurant, it's  
851 prepared at that time. So much of the use is inside because it is a sit-down  
852 restaurant.  
853  
854 Mrs. Jones - I'm just envisioning it being open until 1, drive-thru  
855 open until 1, line of cars. It's going to be 2:00 before the operation wraps up and  
856 everything is finished for the night, I would think. I'm not an expert at restaurant  
857 operation.  
858  
859 Mr. Axselle - The internal operations will probably take some time  
860 after 1, but I don't think the outside activities and sales would take place after 1.  
861 They can't take place after 1.  
862  
863 Mrs. Jones - Thank you. Are there other questions?  
864  
865 Mr. Jernigan - Mr. Axselle, there is no alcohol period. Do they sell  
866 any during any hours?  
867  
868 Mr. Axselle - No.  
869  
870 Mr. Jernigan - Okay.  
871  
872 Mr. Axselle - The prohibition would prohibit them from selling  
873 alcohol at any time during their operations at this site.  
874  
875 Mr. Jernigan - Okay.  
876  
877 Mrs. Jones - The Bojangles opening, was it 5:30?  
878  
879 Mr. Emerson - Yes ma'am, that's correct.

880

881 Mrs. Jones - The request, I think, was for 5:30, or was it for 5?

882

883 Mr. Emerson - I believe it was for 5:30.

884

885 Mr. Axselle - That 5:00 is probably a little more applicable. There  
886 are some people who would fly into Richmond International Airport and want to  
887 get something on the way home for their meal. But probably more—and this is  
888 just pure me speculating—Your flights aren't leaving—as Mr. Donati knows; he's  
889 on the Commission—they leave fairly early, and some people could want to have  
890 breakfast on the way to the airport.

891

892 Mrs. Jones - In my view, the airport is probably one of the biggest  
893 factors in consideration of it.

894

895 Mr. Axselle - Thank you all very much.

896

897 Mr. Jernigan - Mr. Axselle, I tell you why I'm asking all these  
898 questions. Actually, the question that I asked is pertinent to your case. I'm faced  
899 with a situation that I know that T.G.I. Fridays is coming next month with a 2:00  
900 request, which most of their places are open until 2. I know you all had  
901 requested 24 hours, which I denied and said we couldn't do. I'm thinking about  
902 this. I don't know, I must be in a good mood or something tonight, but I'm actually  
903 thinking about giving you to 2:00 rather than 1:00. If the panel rules on Fridays  
904 for 2, then you're going to be coming back and requesting 2.

905

906 Mr. Axselle - I appreciate your good mood, [unintelligible] that's a  
907 logical basis, especially when, as you said, most of the operations around the  
908 area in the commercial areas are 2:00. Save your client money, too.

909

910 Mr. Jernigan - It'll probably take a few dollars out of your pocket.

911

912 Mr. Axselle - Well, we don't want to get carried away here, but—no.  
913 I think I would prefer to do that.

914

915 Male - [Off mike.] If I could interject, 2:00 is [inaudible].

916

917 Mr. Vanarsdall - His meter runs all the time,

918

919 Mr. Jernigan - Staff and I had been going round and round this thing.  
920 I'm feeling that—I'm not sure what I'm going to do on the Fridays' case, because  
921 I really haven't discussed that with staff that much. But you all are a non-alcohol  
922 facility. If I was going to give 2:00 to anybody, you would deserve it probably  
923 before them. I'm not trying to sound bad about it, but you're strictly an eating  
924 facility and not a bar. If you want to do that, we'll change that, and I will make a  
925 motion to have it from—Let me ask you about this. Do you need the 5:00?

926  
927 Mr. Axselle - In light of the people down that way and what time  
928 they get started, I think it would be reasonable. To answer your question, we  
929 would think that a 2:00 and a 5:00 would be a reasonable way of addressing it,  
930 especially with the non-alcohol. Right now, we only have two Waffle Houses that  
931 are open. Mrs. Jones, I know you want to say something because I can see that  
932 look in your face.

933  
934 Mrs. Jones - These folks know me well. My only concern is that as  
935 we kind of take an ad hoc approach to these cases and treat them quickly with  
936 different recommendations, we are setting precedence here. I want to be very,  
937 very careful. I do think there is probably going to be an argument at some point  
938 to do exactly what you're suggesting. The question is do we do it now, or do we  
939 find a way to adjust with a little more smooth and efficient process, perhaps,  
940 should other cases come through and 2:00 be what is clearly the accepted norm  
941 for our area. If that's the way it's going, fine, but once we make this decision, I  
942 think the path is set. I'm not sure I'm comfortable with that. I think I would be  
943 comfortable with the requested time.

944  
945 Mr. Jernigan - If it was a Waffle House that was moving in.

946  
947 Mrs. Jones - You know, you're putting me in a tough position. I just  
948 want us to be very sure that what we do is not being done quickly; it's being done  
949 because we know we're going to have other people say, "This is what you did for  
950 Burgerbusters, so therefore..." I'm concerned about that.

951  
952 Mr. Jernigan - Then, too, there are a lot of places in the West End  
953 that are open all night. All your Waffle Houses are. This case is this case tonight.  
954 We have Fridays to deal with next month. This is a non-alcoholic operation, and  
955 I'm kind of feeling that I'm okay with the 2:00.

956  
957 Mr. Vanarsdall - And the 5:00?

958  
959 Mr. Jernigan - We really don't have any—Well, staff's okay with 5:00  
960 on that. The residential is across the street, and this is going to be set back in  
961 the shopping center across from Target, correct, Mr. Axselle?

962  
963 Mr. Axselle - Yes, further back, as you see on the red. It's not one  
964 of the initial outparcels.

965  
966 Mr. Emerson - Staff is comfortable with 5 a.m., but we do have  
967 concerns regarding extended hours.

968  
969 Mr. Jernigan - I know. We've been going round and round on it.  
970 Okay.

971

972 Mrs. Jones - I do have concerns about that.  
 973  
 974 Mr. Jernigan - I know.  
 975  
 976 Mr. Vanarsdall - You're the man.  
 977  
 978 Mrs. Jones - Are there comments, questions, discussion points?  
 979  
 980 Mr. Jernigan - Madam Chairman, with that, I'm going to make a  
 981 motion that we amend the application to be from 5:00 a.m. to 2:00 a.m. And I will  
 982 move for approval of case P-9-09, Mitch Mitchell for Burgerbusters, Inc. The  
 983 case is filed as Burgerbusters, Inc., but it would be Steaks of Virginia, LLC.  
 984  
 985 Mr. Vanarsdall - Second.  
 986  
 987 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
 988 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
 989  
 990 The vote was as follows:  
 991  
 992 Mrs. Jones - No  
 993 Mr. Vanarsdall - Yes  
 994 Mr. Branin - Absent  
 995 Mr. Jernigan - Yes  
 996 Mr. Archer - Yes

997  
 998 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr.  
 999 Vanarsdall, the Planning Commission voted 3-1 (one absent, one opposed, one  
 1000 abstention) to recommend the Board of Supervisors **grant** the request because  
 1001 its is reasonable in light of the surrounding uses and existing zoning on the  
 1002 property and when properly developed and regulated by the recommended  
 1003 special conditions, it would not be detrimental to the public health, safety, welfare  
 1004 and values in the area.  
 1005

1006 **Deferred from the June 11, 2009 Meeting.**  
 1007 **C-11C-09 Sandra Verna for Wilton Development Corp:**  
 1008 Request to amend proffered conditions accepted with Rezoning Case C-12C-05,  
 1009 on Parcels 804-737-7961, 804-736-0481, and 804-737-1251, located at the  
 1010 northeast intersection of Mechanicsville Turnpike (U. S. Route 360) and Neale  
 1011 Street. The applicant proposes to amend various proffers including those related  
 1012 to the conceptual plan, architectural treatment, and height limitations. The  
 1013 existing zoning is R-5C General Residence District (Conditional) and B-2C  
 1014 Business District (Conditional). The Land Use Plan recommends Urban  
 1015 Residential, 3.4 to 6.8 units net density per acre, Commercial Concentration, and  
 1016 Government. The site is in the Airport Safety Overlay District.  
 1017

1018 Mrs. Jones - Is there anyone with us tonight who is in opposition to  
1019 C-11C-09, Sandra Verna for Wilton Development Corp? No opposition. Hello,  
1020 Mr. Strauss.

1021  
1022 Mr. Strauss - Thank you, Madam Chair.

1023  
1024 This is a request to amend the Proffers of Rezoning Case C-12C-05 as they  
1025 relate to the type of residential buildings to be constructed for this project. The  
1026 original case included retail, office, and a stacked flat style condominium on this  
1027 36.6 acre site at the northeast intersection of Mechanicsville Turnpike and Neale  
1028 Street. The site is zoned R-5C and B-2C. Only the R-5C portion is involved in  
1029 the proposed changes.

1030  
1031 The 2010 Land Use Plan recommends Commercial Concentration and Urban  
1032 Residential. This request does not propose changing the general type of use  
1033 previously approved and therefore it is consistent with the Land Use Plan.

1034  
1035 The applicant has been working with the staff to address the issues raised in the  
1036 staff report and they have recently submitted revised proffers dated July 9th  
1037 which we are handing out this evening. A revised site layout was also received  
1038 last week, which we are also including with the revised proffers.

1039  
1040 This conceptual plan from the previous case showed a 20-building layout for the  
1041 stacked flat-style condominiums. A park area and a community clubhouse and  
1042 pool are also included. Here is the park area, and there is the pool and  
1043 clubhouse.

1044  
1045 The new site plan we are considering tonight with the proffers—as shown on this  
1046 new exhibit—the applicant wishes to construct side-by-side, townhouse-style  
1047 condominiums with a traditional vertical design. The new concept plan shows 42  
1048 separate buildings, each containing 4-6 town house condominium units for sale.  
1049 While the total number of buildings has increased, the unit count has been  
1050 reduced from 260 to 242. The height of residential buildings is proffered to be  
1051 30 feet, exclusive of architectural features. Some units will have a walkout  
1052 basement level where the existing grade allows.

1053  
1054 Because the proposed changes in building form and site layout could alter the  
1055 character of the development, much of the discussion has related to ensuring the  
1056 level of quality development originally envisioned for this project.

1057  
1058 Many of the issues raised in the staff report have been addressed by the  
1059 applicant, including numbers of townhouse units in each row; architectural  
1060 treatment on the ends of town house groups; the percentage of brick, a brick  
1061 foundation; landscaping and irrigation of front yards; pedestrian connectivity with  
1062 the addition of sidewalks; and the provision of amenities and open space. As you

1063 can see on the revised plan, there is now a village green here, and the pool  
1064 house and pool have been relocated to this side of the site.

1065  
1066 The revised proffers you have received tonight address most of staff's concerns  
1067 with this case. One remaining issue is that of roofing material warranty. The  
1068 applicant has increased the warranty of the roof material from 20 years to 25  
1069 years. Staff believes that this case could be strengthened with the use of a 30-  
1070 year roof; however, overall, staff supports this case with the recent amended  
1071 proffers.

1072  
1073 Since we did receive the latest set of proffers this morning, the time limits would  
1074 need to be waived.

1075  
1076 This concludes my presentation. I will be happy to take any questions. I see that  
1077 Gloria Freye is also here, and we have folks from the Wilton Company. Thank  
1078 you.

1079  
1080 Mrs. Jones - Are there questions for Mr. Strauss from the  
1081 Commission? All right, we thank you. What do you think, Mr. Archer?

1082  
1083 Mr. Archer - I think Ms. Freye would probably want to make a  
1084 comment. It doesn't have to be extensive.

1085  
1086 Ms. Freye - No sir. Good evening. My name is Gloria Freye. I'm  
1087 an attorney for McGuireWoods, here on behalf of Wilton Development. I do  
1088 appreciate the staff's report, and we have worked closely together to address the  
1089 issues that were raised. As Mr. Strauss explained, the amendment was really  
1090 initiated because of changing the style of the condominiums from the horizontal  
1091 apartment-style building to the vertical townhouse-style condos. The form of  
1092 ownership is still the same; they're still condominiums. I think that is an important  
1093 fact to remember, especially when you're thinking about the roof. We did  
1094 improve that proffer from a 20-year roof to a 25. I learned that when you go from  
1095 20 to 25, the composition of the shingles actually includes elements I think with  
1096 zinc and some other compounds that prevent the staining and discoloring that  
1097 happens, and with mold that happens with a 20-year roof that you don't have with  
1098 a 25. It's definitely increased the maintenance-free lifestyle that we're trying to  
1099 accomplish with this development in the condominium regime.

1100  
1101 The other important thing about it being a condominium as it relates to the roof is  
1102 that the condo owners' fees from the very beginning will include an amount that  
1103 is specifically addressing the repair and maintenance for replacement of the roof.  
1104 Also, you have a management company in place that can monitor that  
1105 maintenance, the ongoing maintenance and care of it, and be responsible for that  
1106 warranty, so that there won't be an individual assessment on the individual. It  
1107 won't be the responsibility or the obligation of the individual owners; it will be the  
1108 Association that will handle that. Also, the 25-year roof for townhouses and for a

1109 lot of subdivisions has been an accepted quality proffer by Henrico County for  
1110 both townhomes and single-family detached homes, both in the West End and  
1111 the East End.

1112  
1113 That's the reason for improving it to the 25. We did make a lot of additional  
1114 proffers to the case that was not addressed in the original case that give the  
1115 quality assurance. That was the concern that we heard from some of the  
1116 neighbors. We had two community meetings. At the second community meeting  
1117 when we went over just the changes, and to show them that, basically, the style  
1118 was changing, but the quality was being improved, and showing them that the  
1119 conceptual layout; the access; the internal street layout; the open space area; the  
1120 amenities were the same although they'd been shifted a little; the buffers were  
1121 the same, but they've been enhanced because of the plantings that are now  
1122 being required that weren't addressed before. There's sod and landscaping  
1123 that's been added that wasn't in there before; brick foundation or the appearance  
1124 of brick foundation has been added that wasn't in there before, which actually  
1125 improves the quality of the proffers over the original case.'

1126  
1127 The feedback that we received from the community at the second meeting was  
1128 they felt that we had listened, that we had addressed their concerns, and we feel  
1129 like we have addressed the concerns in the staff report by increasing that roof  
1130 proffer to the 25.

1131  
1132 We'll be glad to respond to questions.

1133  
1134 Mrs. Jones - Any questions?

1135  
1136 Mr. Archer - I don't, Madam Chair.

1137  
1138 Mrs. Jones - All right.

1139  
1140 Mr. Archer - We don't have any questions for you. We try to  
1141 answer most of them before we get here.

1142  
1143 Ms. Freye - We have been working on this, and we did defer the  
1144 case one time so that we could continue to work on both the issues from the  
1145 community and from staff. That's been the biggest thing, the assurance of  
1146 quality. That's why I would submit that this case as amended is really higher  
1147 quality than what was in the previous case. It really guarantees and specifies  
1148 minimums. It actually reduces the density as well, which improves the traffic,  
1149 which is important to the neighbors.

1150  
1151 Mrs. Jones - Mr. Archer?

1152  
1153 Mr. Archer - Yes ma'am. Just a few comments I would like to  
1154 make. We have come a long way with this case. When we said we improved the

1155 quality of it, we improved the quality of the case as it was filed. We were  
1156 certainly wanting to stay in concept with the quality of the original case. [Blank  
1157 section on tape] quality case. It started off, for example, with the filing of 16-foot  
1158 wide units [blank section on tape]. And I said [blank section on tape.] And I could  
1159 go through a lot of things that we have improved on. One was [blank section on  
1160 tape] possibility there would be [blank section on tape] the maximum [blank  
1161 section on tape].

1162

1163 The roof here is really what this sticky issue is. Have you met with Mr. Thornton?

1164

1165 Ms. Freye - Yes sir.

1166

1167 Mr. Archer - Brought that issue up and we talked about it. We  
1168 found out that there are units that have been built that do have a 30-year roof.  
1169 Five years may seem insignificant, but for a person purchasing a home, five  
1170 years is significant. Even though people in the neighborhood come out and give  
1171 their approval, I think the ultimate task for us is to let's do what [unintelligible]  
1172 folks who would some day move in. They wouldn't know a five-year roof from a  
1173 [blank second on tape]. I think it's up to us to try and preserve that quality.

1174

1175 Ms. Freye and talked today, and she has done some diligent study since  
1176 yesterday and day before, trying to collect some data that will show us what the  
1177 comparable difference is between a 25 [blank section on tape] 15 to 30, but there  
1178 was no data of 25.

1179

1180 Ms. Freye - That is correct.

1181

1182 Mrs. Jones - Of course.

1183

1184 Mr. Archer - I don't think it's an issue we should take lightly. I think  
1185 we've come a long way in the fact that we have improved tremendously. I know  
1186 [blank section on tape]. I would suggest that I don't think we should compromise  
1187 the quality of what we're trying to do based on [blank section on tape]. I think it  
1188 would be good to try and find out [blank second on tape]. Quite frankly, can't see  
1189 how it would be that much more [blank section on tape]. I feel like it's something  
1190 that we [blank section on tape].

1191

1192 Based on the recommendation that staff has made, and the things that I know  
1193 personally about how this case has gone—improvements have been made since  
1194 it was originally filed—I will approve case C-11C-09, Sandra Verna for Wilton  
1195 Development Corp, and send it to the Board with a recommendation for approval,  
1196 but with that caveat that [blank section on tape].

1197

1198 Ms. Freye - I have more homework to do. Yes sir.

1199

1200 Mr. Vanarsdall - Second.

1201  
1202 Mr. Emerson - Mr. Archer, you do need to waive the time limits.  
1203  
1204 Mr. Archer - I do? Yes I do. Okay, I move to waive the time limits  
1205 on the amended proffers that [blank section on tape].  
1206  
1207 Mr. Vanarsdall - Second.  
1208  
1209 Mrs. Jones - We have a motion by Mr. Archers, seconded by Mr.  
1210 Vanarsdall for waiving the time limits. All in favor say aye. All opposed say no.  
1211 The ayes have it; the motion passes.  
1212  
1213 Mr. Archer - Do I need to move again? Okay, then I move for  
1214 recommendation of approval of C-11C-09, Sandra Verna for Wilton Development  
1215 Corp.  
1216  
1217 Mr. Vanarsdall - Second.  
1218  
1219 Mrs. Jones - We have a motion from Mr. Archer, seconded by Mr.  
1220 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the  
1221 motion passes.  
1222  
1223 **REASON:** Acting on a motion by Mr. Archer seconded by Mr.  
1224 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to  
1225 recommend the Board of Supervisors **grant** the request because the changes do  
1226 not greatly reduce the original intended purpose of the proffers.  
1227  
1228 Mr. Archer - Ms. Freye, if you could, could you let me have some  
1229 information on the research that you're able to develop?  
1230  
1231 Ms. Freye - Yes sir, I will share that with you. Thank you.  
1232  
1233 **C-19C-09 Anthony Battaglia for 3900 Bremner Blvd., LLC:**  
1234 Request to conditionally rezone from B-2 Business District to B-3C Business  
1235 District (Conditional), Parcels 772-750-8652 and 773-750-0152, containing 0.54  
1236 acre, located on the north line of Bremner Boulevard at its intersection with  
1237 Compton Road. The applicant proposes a pest control company and associated  
1238 storage facility. The use will be controlled by zoning ordinance regulations and  
1239 proffered conditions. The Land Use Plan recommends Commercial Arterial. The  
1240 site is in the Enterprise Zone.  
1241  
1242 Mrs. Jones - Is there anyone with us tonight in opposition to C-  
1243 19C-09, Anthony Battaglia for 3900 Bremner Blvd? All right. Good evening, Mr.  
1244 Sehl.  
1245  
1246 Mr. Sehl - Good evening, Madam Chair.

1247

1248 This request would rezone .54 acres from B-2 to B-3C Business District  
1249 (Conditional) to allow an exterminating establishment to operate within two  
1250 existing buildings fronting on Bremner Boulevard.

1251

1252 The two properties are separated by an existing furniture refinishing operation.  
1253 The building at the corner of Compton and Bremner is proposed to be used for  
1254 storage of the companies pest control equipment, while the existing office  
1255 building located here would be used for offices and parking for the company's  
1256 employees and company vehicles.

1257

1258 The applicant has submitted revised proffers dated July 9, 2009 regulating the  
1259 use of the property. The only use first permitted in the B-3 District would be for  
1260 the exterminating business. All other uses, including hours of operation and  
1261 signage, would adhere to the B-2 District regulations. Other proffers address  
1262 lighting, outdoor speakers, landscaping, and architecture if buildings were  
1263 constructed in the future.

1264

1265 The 2010 Land Use Plan recommends Commercial Arterial for the subject  
1266 property which is also located within the County's Enterprise Zone. The  
1267 requested zoning would be consistent with the Land Use Plan designation and  
1268 the goals of the Enterprise Zone Program to maintain and expand businesses  
1269 within this section of the Staples Mill Road Corridor. In addition, the proposed  
1270 use is not expected to negatively impact adjacent uses.

1271

1272 While the proposed use could be appropriate, staff does note that concerns have  
1273 been raised regarding drainage along this section of Bremner Boulevard and  
1274 Compton Road. Improvements to the existing roadway infrastructure such as the  
1275 installation of curb and gutter are normally required as part of a Plan of  
1276 Development. Since a POD may not be required for the occupation of the two  
1277 existing structures, staff strongly encourages the applicant to commit to providing  
1278 drainage improvements, including the installation of curb and gutter along all  
1279 roadway frontages. The applicant has provided a proffer that signals their intent  
1280 to work towards a solution for any drainage problems; however, staff believes  
1281 this proffer could be strengthened to ensure the appropriate drainage  
1282 improvements are made.

1283

1284 Additionally, the applicant is encouraged to explore further enhancing the  
1285 property by providing additional landscaping along Bremner Boulevard for both  
1286 sites.

1287

1288 If the applicant were to address these concerns, staff could support this request.  
1289 Staff does note that the applicant has discussed additional changes to the  
1290 proffers that have not been made at this time—I believe I'll let them speak to  
1291 that—regarding both drainage and landscaping for the subject properties.

1292

1293 This concludes my presentation. I would be happy to try an answer any  
1294 questions you might have. Please note the time limits would need to be waived  
1295 to accept the proffers before you this evening.  
1296

1297 Mrs. Jones - Are there questions for Mr. Sehl?  
1298

1299 Mr. Vanarsdall - I'm a little surprised. I thought you were going to  
1300 rewrite these proffers. I spoke to Mr. Battaglia before the meeting and gave him  
1301 an opportunity to change them because this is the last case and I didn't think—  
1302 What happened to that?  
1303

1304 Mr. Sehl - I was concerned about recommending proffer  
1305 language in haste regarding the curb and gutter specifically, as well as the  
1306 landscaping. They did indicate that they'd speak to that with their presentation.  
1307 But I was concerned about making sure that the language was right. I think  
1308 they're willing to. If that's something that needs to be done this evening, they  
1309 could make some changes.  
1310

1311 Mr. Vanarsdall - Number 8 is okay with the outdoor storage. I  
1312 explained to them that the landscaping, even though they added something to  
1313 that, it would only mean that one building and not the office.  
1314

1315 Mr. Sehl - That's correct. And that's something else they  
1316 indicated right before the meeting stated, that they'd be willing to enhance that to  
1317 include both buildings.  
1318

1319 Mr. Vanarsdall - Okay, thank you. I appreciate all you did on this.  
1320 Madam Chair, I'd like to hear from the applicant.  
1321

1322 Mrs. Jones - All right. If you all would come on forward and let us  
1323 know your names.  
1324

1325 Mr. Battaglia - Good evening. My name's Anthony Battaglia. I'm the  
1326 facilities manager.  
1327

1328 Mr. Vanarsdall - Good evening.  
1329

1330 Mr. Battaglia - This is Daniel Butz. He's our chief financial officer.  
1331 James Fredericks, who's our technical director. They're more the experts. They  
1332 can better answer your questions than I can, so what I'll do is I'll turn it over to  
1333 Jim. He's going to give us a presentation.  
1334

1335 Mrs. Jones - Thank you.  
1336

1337 Mr. Fredericks - Thank you, Madam Chair. I appreciate your time and  
1338 your understanding patience on this whole process. I wanted to give this real  
1339 quick, and—

1340  
1341 Mr. Vanarsdall - What's your name?

1342  
1343 Mr. Fredericks - Oh, Jim—James Fredericks. I'm technical director  
1344 with Home Paramount Pest Control. I wanted to just give a real quick overview  
1345 of the company, maybe an introduction of sorts. Home Paramount Pest Control  
1346 is a pest control, general household pest control and termite control company.  
1347 We have been in business—we're a family owned organization—for 70 years  
1348 since 1939. We're currently incorporated in the State of Virginia, and we operate  
1349 26 branch locations across six states: Pennsylvania, Delaware, Maryland,  
1350 Virginia, West Virginia, District of Columbia, as well as North Carolina and  
1351 Georgia. We currently employ 375 coworkers, and 126 of those are in Virginia.  
1352 We have nine branch locations in Virginia, Northern Virginia, as well as  
1353 Richmond and into the Tidewater area.

1354  
1355 We've had a branch location in Richmond since 1976, and our previous location,  
1356 which was really just a short stroll up the street on Staples Mill Road, is at 7503  
1357 Staples Mill Road. We were in that location for close to 30 years.

1358  
1359 We're proposing that this new branch location—which we're very excited about  
1360 having a new location that we own—would act as our southern region staff  
1361 headquarters, as well as our branch location, and also serve as a regional  
1362 training facility where we would bring folks in to train as both managers and as  
1363 pest control technicians, and sales inspectors. That facility on a full-time basis  
1364 would employ somewhere between 20 and 25 folks at that particular branch  
1365 location.

1366  
1367 A little bit about Home Paramount. We're uniformed professionals. We pride  
1368 ourselves on our service, as well as our professionalism. We have a team of four  
1369 entomologists who work to train, as well as to keep our quality assurance  
1370 standards high. We're a quality pro-certified company, which is a program that's  
1371 offered through the National Pest Management Association, similar to the  
1372 National Association of Realtors, or the Good Housekeeping Seal of Approval.  
1373 Currently, only approximately 2% of the pest control companies in our industry  
1374 have obtained that certification, which is something that we're really proud of.  
1375 We've been in business a long time, and we understand what it takes to be  
1376 compliant with the Virginia Department of Agriculture and Consumer Services,  
1377 Offices of Pesticide Services' requirements for running a pest management  
1378 business. With that, we are very concerned about safety at that particular  
1379 location. We do have routine inspections by the Office of Pesticide Services staff.  
1380 Their field investigator takes a look at safety, pesticide storage, and all the things  
1381 that are associated with our pest control operation. The storage facility that's  
1382 located there is a locked facility, and we've already installed a fence. It's also an

1383 alarmed facility, and it's really just a stones' throw, one parcel away from the  
1384 branch location of the offices.

1385  
1386 The pesticides that we use, the pest control products that we use are all  
1387 registered with the Environmental Protection Agency. One of the things about  
1388 that particular storage facility is that it is—We work on just-in-time inventory  
1389 system so that really never are stockpiling pesticides in that particular location, if  
1390 that was a concern at all.

1391  
1392 We're hoping that this move will actually help to impact and we can be a good  
1393 neighbor in that particular community. We were working with radio ads, and we're  
1394 hoping to have some—with our training facility—folks staying in hotels and eating  
1395 in restaurants, and all those kinds of good things.

1396  
1397 We've already begun to make some improvements to the facility, and we're  
1398 hoping that along with some funds that we're hoping to get with the Enterprise  
1399 Zone, that we'll be able to continue to make additional capital improvements in  
1400 that particular place to be a good neighbor. Having said that, I think it is our full  
1401 intention to work with staff to make sure that the proffers reflect both the  
1402 landscaping requirements on both parcels, as well as the curb and gutter  
1403 drainage requirements. That is our full intent, and we hope to make that happen  
1404 as quickly as we can. Let me make that official.

1405  
1406 I really do appreciate and thank you for your time. We're willing to take any  
1407 questions that you may have.

1408  
1409 Mr. Vanarsdall - I'm glad that you went over there, because I knew you  
1410 were a good company. For benefit of the fellow Commissioners, Mr. Donati, you  
1411 have been behind the Anthony and George's for a number of years.

1412  
1413 Mr. Fredericks - A long time. We had lunch at Anthony and George's.

1414  
1415 Mr. Vanarsdall - I've never heard anything bad about the company.

1416  
1417 Mr. Fredericks - Thank you.

1418  
1419 Mr. Vanarsdall - The only problem they had when you were there,  
1420 there was an M-1 zoning, which is almost like a B-3, and you were okay. Now  
1421 where you are now, you're under B-2, and you need B-3 to operate. I appreciate  
1422 you explaining all that to us, and that's very helpful, but let me explain to you my  
1423 perspective on it. This is a busy corridor, as you know, Staples Mill Road. For  
1424 those of you who don't know where it is, it's on the corner of Bremner Boulevard  
1425 and Staples Mill Road. McDonald's there just recently tore down their old  
1426 building and put up a new building. Across the street, CVS put up a very nice  
1427 building. And those old two houses on the corner that looked like they were  
1428 going to fall down have now been reconstructed completely. That whole area

1429 has been uplifted. That's what we want to see at your location. That's the only  
1430 reason we ask for it. Had we gone through the usual procedure, we would have  
1431 let you know in the beginning that you did need to do that.

1432

1433 Mr. Fredericks - Yes sir.

1434

1435 Mr. Vanarsdall - I understand where you're coming from and  
1436 appreciate you being here tonight. I'd like to ask you to defer this for 30 days so  
1437 you can get done, and I promise to give you John Young's phone number, who is  
1438 in charge of the Enterprise Zone. Would that be okay with you?

1439

1440 Mr. Butz - [Off mike.] Yes. My concern with that is just [inaudible]  
1441 funds. I don't know what you want to call it, but your support in getting a  
1442 rezoning.

1443

1444 Mr. Emerson - Please speak into the mike.

1445

1446 Mr. Butz - I'm sorry; did you hear most of that?

1447

1448 Mr. Vanarsdall - Identify yourself.

1449

1450 Mr. Butz - Okay. My name's Daniel Butz. I'm the CFO of the  
1451 company. I appreciate your concerns, and we're excited about the property.

1452

1453 Mr. Vanarsdall - We'll work with you; you know that.

1454

1455 Mr. Butz - Yes. My only concern with that is with the  
1456 empowerment funds and the grants that establish those to grow and be a good  
1457 citizen in the community is that it would be—We don't have the right zoning right  
1458 now. Could you say something to John to help us out? There's a pre-approval.  
1459 That's my concern, is just that I don't want to be held up at all to get that done as  
1460 quick as possible so we're in full compliance.

1461

1462 Mr. Vanarsdall - I spoke with him at 5:00 this evening. He said yes,  
1463 there is a grant for that and tell them to call me. So, I want to give you this  
1464 number, then I'll call him tomorrow.

1465

1466 Mr. Butz - Okay, thank you sir.

1467

1468 Mr. Vanarsdall - We'll get together. Don't worry about that; we'll work  
1469 it out.

1470

1471 Mr. Butz - Fantastic.

1472

1473 Mr. Vanarsdall - Mr. Sehl will be working with you as hard as he  
1474 worked with you this time. I appreciate the effort. And I really appreciate your  
1475 attitude.  
1476

1477 Mr. Butz - Thank you, sir.  
1478

1479 Mr. Vanarsdall - Want to write this down now? Thank you.  
1480

1481 Mr. Jernigan - Mr. Vanarsdall, I have one question; I have to ask  
1482 this. Do you all have one of those dogs that sniffs out the termites?  
1483

1484 Mr. Fredericks - We do not have a dog; however, I have personally  
1485 gone head to head with the dog, and I equaled his efforts.  
1486

1487 Mr. Jernigan - I had to ask.  
1488

1489 Mrs. Jones - Mr. Vanarsdall, would you like to make a motion on  
1490 that?  
1491

1492 Mr. Vanarsdall - Yes I would. I move that C-19C-09, Anthony Battaglia  
1493 for 3900 Bremner Blvd, be deferred at the applicant's request until August 13,  
1494 2009.  
1495

1496 Mr. Jernigan - Second.  
1497

1498 Mrs. Jones - Motion for deferral from Mr. Vanarsdall, seconded by  
1499 Mr. Jernigan to the August 13, 2009 meeting, by the applicant's request. All in  
1500 favor say aye. All opposed say no. The ayes have it; the motion passes.  
1501

1502 At the request of the applicant, the Planning Commission deferred case C-19C-  
1503 09, Anthony Battaglia for 3900 Bremner Blvd., to its meeting on August 13, 2009.  
1504

1505 Mr. Emerson - Madam Chair, that takes us to the next item on the  
1506 agenda, which is a discussion item. You will recall that on May 27, 2009, you  
1507 adopted a resolution authorizing staff to move forward on preparing draft  
1508 amendments to the County Code that would assist the Board of Zoning appeals  
1509 in the approval of family divisions without road frontage. In my letter of May 20<sup>th</sup>  
1510 to you, I indicated that we would anticipate having that prepared for a work  
1511 session by July 22<sup>nd</sup>. July 22<sup>nd</sup> will be your next meeting. We are prepared to  
1512 work with you on the 22<sup>nd</sup> in a work session to occur directly after your regular  
1513 meeting. I just wanted to bring that to you for your consensus that it's okay to  
1514 place that on the agenda.  
1515

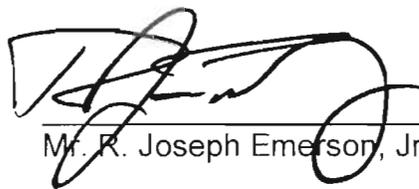
1516 Mr. Vanarsdall - You want to have that after the meeting or—  
1517

1518 Mr. Emerson - Yes sir, after the regular meeting.

1519  
1520 Mrs. Jones - We have a consideration of a presentation after our  
1521 July 22<sup>nd</sup> meeting. Do we require a motion and a second, or shall we move the  
1522 resolution?  
1523  
1524 Mr. Emerson - Actually, a motion and a second.  
1525  
1526 Mrs. Jones - Okay.  
1527  
1528 Mr. Vanarsdall - I'll make the motion that we do it.  
1529  
1530 Mr. Archer - I do need to express that I won't be here on the 22<sup>nd</sup>,  
1531 but don't let that stop you from having the meeting.  
1532  
1533 Mr. Vanarsdall - We'll fill him in on it when he comes back.  
1534  
1535 Mrs. Jones - Will we be taking action at that meeting?  
1536  
1537 Mr. Emerson - No ma'am, you won't take action at that meeting; this  
1538 is a work session. We'll then bring the ordinance back for public hearing after  
1539 we've reviewed it with you, and take your input in regards to any suggestions you  
1540 may have.  
1541  
1542 Mrs. Jones - I'm sorry you'll miss it, Mr. Archer.  
1543  
1544 Mr. Vanarsdall - I'll make the motion.  
1545  
1546 Mrs. Jones - Okay. Mr. Vanarsdall has moved that we accept that  
1547 time for the work session. Do I have a second?  
1548  
1549 Mr. Jernigan - Second.  
1550  
1551 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan.  
1552 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
1553  
1554 Mr. Vanarsdall - The question I wanted to ask now was would you  
1555 entertain the idea of putting off your vacation to be here?  
1556  
1557 Mr. Archer - I'll just drive on back down here and go back.  
1558  
1559 Mrs. Jones - You think that might happen?  
1560  
1561 Mr. Emerson - Madam Chair, the next item on your agenda is  
1562 approval of the minutes from the Commission meeting of June 11, 2009.  
1563

1564 Mrs. Jones - Do we have corrections or additions to the June 11,  
1565 2009 minutes? Do I have a motion?  
1566  
1567 Mr. Vanarsdall - I move that we accept them as written.  
1568  
1569 Mr. Jernigan - Second.  
1570  
1571 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan  
1572 to accept the minutes. All in favor say aye. All opposed say no. The ayes have it;  
1573 the motion passes.  
1574  
1575 Is there any other business?  
1576  
1577 Mr. Emerson - Madam Chairman, I have no other business for the  
1578 Commission today.  
1579  
1580 Mrs. Jones - All right. With no other business before the  
1581 Commission, I'll entertain a motion for adjournment.  
1582  
1583 Mr. Jernigan - So moved.  
1584  
1585 Mr. Archer - Second.  
1586  
1587 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Archer. All  
1588 in favor say aye. All opposed say no. The ayes have it; the motion passes. The  
1589 meeting is adjourned.  
1590  
1591 The meeting adjourned at 8:22 p.m.

1592  
1593  
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1600  
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1605  
1606



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Mr. R. Joseph Emerson, Jr., Secretary



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Mrs. Bonnie-Leigh Jones, Chairperson